

United States Court of Appeals
For the Eighth Circuit

No. 12-3363

United States of America

Plaintiff - Appellee

v.

Jamie Charles

Defendant - Appellant

Appeal from United States District Court
for the Western District of Arkansas - El Dorado

Submitted: July 5, 2013

Filed: July 8, 2013

[Unpublished]

Before WOLLMAN, BOWMAN, and GRUENDER, Circuit Judges.

PER CURIAM.

Jamie Charles directly appeals after he pled guilty to possession of a machine gun in furtherance of a drug-trafficking crime, and the district court¹--upon granting

¹The Honorable Susan O. Hickey, United States District Judge for the Western District of Arkansas.

the government's motion for a downward departure--sentenced him below the statutory minimum. Charles's counsel has moved to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), alluding to the fact that Charles at sentencing expressed confusion about the offense to which he had pled guilty, and suggesting that Charles is dissatisfied with his sentence, but asserting no grounds for reversal. Charles has filed a supplemental brief, challenging the factual basis for his plea.

Upon careful review, we note that Charles specifically confirmed at the plea hearing that he understood he was pleading guilty to possession of a machine gun in furtherance of a drug-trafficking crime, and thus we conclude that he knowingly pled guilty to that offense. *Cf. United States v. Todd*, 521 F.3d 891, 895 (8th Cir. 2008) (defendant properly advised of nature of charge to which he pled guilty where prosecutor recited elements of offense at plea hearing). We further conclude that there is no merit to his challenges concerning the factual basis for his plea. *See O'Leary v. United States*, 856 F.2d 1142, 1143 (8th Cir. 1988) (per curiam) (in pleading guilty, defendant admits all factual allegations made in indictment). Finally, having reviewed the record independently under *Penson v. Ohio*, 488 U.S. 75, 80 (1988), we find no non-frivolous issues.

Accordingly, we grant counsel's motion to withdraw, and we affirm.
